

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK COOMBS,	:	CIVIL ACTION NO. 1:05-CV-2308
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
DONALD KELCHNER, WARDEN	:	
SCI CAMP HILL,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 17th day of January, 2007, upon consideration of the order to show cause (Doc. 56) why respondent should not be held in contempt of court for failing to timely file a response to the petition for writ of habeas corpus, and it appearing that respondent has filed a motion for enlargement of time to respond to the petition for writ of habeas corpus (Doc. 63), and that he has filed with the Court and served upon petitioner a response and appendices (Docs. 57-62), and it further appearing that the failure to timely file a response was the result of excusable neglect, see Doc. 63, pp. 2-3 ¶¶ 4-6, FED. R. CIV. P. 6(b)(2)("[T]he court for cause shown may at any time in its discretion . . . upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect. . . ."), it is hereby ORDERED that:

1. The show cause order (Doc. 56) is DISCHARGED.
2. The motion for enlargement of time (Doc. 63) is GRANTED. The response and appendices (Docs 57-62) are DEEMED timely.

3. Petitioner's motion for default judgment¹ (Doc. 55) is DENIED. See Lemons v. O'Sullivan, 54 F.3d 357, 364-65 (7th Cir. 1995) (concluding that entry of default judgment is unavailable in habeas corpus proceedings); Goodman v. Keohane, 663 F.2d 1044, 1047 n. 4 (11th Cir. 1981).
4. Petitioner is permitted to file, within fifteen (15) days of the date on which the response was filed, a reply to the response. See R. GOVERNING § 2254 CASES R. 1(b), 5 (e).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹Review of petitioner's "Rule 60(b) motion for relief or for such relief as just and proper" reveals the he is seeking entry of a default judgment.